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2 Scott M. Kinkley  
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9 UNITED STATES DISTRICT COURT  
10 FOR THE EASTERN DISTRICT OF WASHINGTON  
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13 WILLIAM CRIST; SCOTT WENZEL; )  
14 and all others similarly situated, )  
15 Plaintiff, ) Case No.: CV-09-0249-RMP  
16 vs. ) STIPULATED AND AGREED  
17 UNIFUND CCR Partners, a limited ) MOTION TO DISMISS  
18 Liability Company; SUTTELL & )  
19 ASSOCIATES P.S., a Washington )  
20 Professional Service Corporation; )  
21 ISAAC HAMMER and JANE DOE )  
22 HAMMER, husband and wife; and )  
23 TYLER J. MOORE and JANE DOE )  
24 MOORE, husband and wife. )  
25 Defendants. )  
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I. MOTION

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28 The Plaintiffs, William Crist and Scott Wenzel, by and through their  
29 attorney, Scott M. Kinkley of *Michael D. Kinkley, P.S.* request that the Court  
30 dismiss this matter with prejudice pursuant to FRCP 41(a)(1)(A)(ii). The parties  
31 have agreed that that the matter should be dismissed with prejudice, without costs  
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STIPULATED AND AGREED MOTION TO  
DISMISS -1-

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1 or attorney fees to either party and that the court retain jurisdiction to enforce the  
2 settlement of this matter.  
3

4 This motion is based on the agreement of the parties, Fed. R. Civ. P.  
5 41(a)(1)(A)(ii), and the files and records herein.

6 *Michael D. Kinkley P.S.*  
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8 /s Scott M. Kinkley  
9 Scott M. Kinkley  
WSBA # 42434  
Attorney for Plaintiffs  
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## II. STIPULATION

11 The parties entered into a written settlement agreement on or about  
12 September 1, 2010, subsequently signed by all parties. The parties hereby  
13 stipulate, pursuant to FRCP 41(a)(1)(A)(ii), and the Settlement Agreement, to a  
14 dismissal with prejudice of this matter. Pursuant to the settlement agreement, the  
15 parties agree that that the matter should be dismissed with prejudice, without costs  
16 or attorney fees to either party and that the court retain jurisdiction to enforce the  
17 settlement of this matter.  
18

19 DATED this 21<sup>st</sup> day of September, 2010.  
20

21 *Michael D. Kinkley P.S.*

22 *Michael D. Kinkley P.S.*

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24 /s Michael D. Kinkley  
Michael D. Kinkley  
WSBA # 11624  
Attorney for Plaintiff  
25

/s Scott M. Kinkley  
Scott M. Kinkley  
WSBA # 42434  
Attorney for Plaintiff

STIPULATED AND AGREED MOTION TO  
DISMISS -2-

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2 *Crumb & Munding, P.S.*

3

4 /s John D. Munding  
John D. Munding  
5 WSBA # 21734  
Attorney for Defendant  
6 Unifund

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*Winston & Cashatt, P.S.*

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9 /s Carl Hueber  
Carl Hueber  
10 WSBA # 12453  
Attorney for Defendants  
Suttell & Associates,  
11 P.S., Isaac & Jane Doe  
Hammer; and Tyler &  
Jane Doe Moore

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*Disnmore & Shohl, LLP*

/s Alan Abes  
Alan Abes  
Admitted *Pro Hac Vice*  
Attorney for Defendant  
Unifund

STIPULATED AND AGREED MOTION TO  
DISMISS -3-

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1 CM/ECF CERTIFICATE OF SERVICE

2 I hereby certify that on the 21<sup>st</sup> day of September, 2010, I electronically filed the  
3 foregoing with the Clerk of the Court using the CM/ECF System which will send  
4 notification of such filing to the following:

5 Michael D. Kinkley [mkinkley@qwestoffice.net](mailto:mkinkley@qwestoffice.net), [pleadings@qwestoffice.net](mailto:pleadings@qwestoffice.net);  
6 Scott M. Kinkley [skinkley@qwestoffice.net](mailto:skinkley@qwestoffice.net);  
7 Alan H. Abes [alan.abes@dinslaw.com](mailto:alan.abes@dinslaw.com);  
8 John D. Munding [munding@crumb-munding.com](mailto:munding@crumb-munding.com);  
9 Carl E. Hueber [ceh@winstoncashatt.com](mailto:ceh@winstoncashatt.com).

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11  
12 *Michael D. Kinkley P.S.*

13  
14 s/Scott M. Kinkley  
15 Scott M. Kinkley  
16 WSBA # 42434  
17 Attorney for Plaintiff  
18 4407 N. Division, Suite 914  
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STIPULATED AND AGREED MOTION TO  
DISMISS -4-

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